

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3005 of 1983

with

SPECIAL CIVIL APPLICATION No 3135 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

HASMUKH D BHATT AND OTHERS

Versus

STATE OF GUJARAT

Appearance: IN BOTH THE SP. CIVIL APPLICATIONS:

MR MS SHAH for MR SURESH M SHAH for Petitioner
MR MUKESH PATEL for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 30/01/97

ORAL JUDGEMENT

1. Heard learned counsel for the parties. Both the matter arises out of same facts and grounds, and as such, the same are being disposed of by this common order.

2. The petitioners in both the cases were appointed as Class IV employees between the year 1976 to 1981 in the office of Land Records Officer at all the places in the State of Gujarat, only for eight months at first, and then to terminate their services for four months during monsoon period i.e. from July to October and then to give further order of appointment every year, though for all practical purposes they are otherwise considered to be at par with the permanent Government servants and are being given all the benefits and allowances as are being given to the permanent Government servants. The petitioners were the persons who were given the seasonal appointment and after completion of the season their services were terminated and again next year, the appointments were given to those persons who were willing to serve the department. This system continues for the years together.

3. In this Special civil Application, the interim relief has been granted in terms of Para No.13(d), which reads as under:

"pending hearing and final disposal of this petition, the respondents may be restrained from terminating the services of the petitioners for the period of monsoon in the year by issuing orders like Annexure A or any other orders."

4. So in view of this interim relief, for all these years, the petitioners are continuously working and the earlier policy of the respondent to terminate their services during monsoon season could not be given effect to. In both the cases, the counsel for the petitioners contended that services of many of the petitioners have been regularised. Names of those petitioners in the Special Civil Application No.3005/83 are at Sr. No.3, 8, 9, 12, and 15 to 18. As their services are regularised their names have been struck off from the record of this case on the request of the counsel for the petitioners. Similarly, in the case of Special Civil Application No.3135/84, the services of the petitioners at Sr. No.2 and 6 were regularised and on the request of the counsel for the petitioners their names were struck off. All the petitioners were similarly situated.

5. The petitioners are continuously working on the post for all these years and earlier to the stay order of this court, they were working as seasonal employees.

6. In view of this fact, the interest of justice

will be met in case these Special Civil Applications are disposed of with the direction to the respondent to consider the case of the petitioners for their regularisation in service as it has been done in the case of other petitioners in these very Special Civil Applications, whose names have been struck off. This exercise is to be undertaken by the respondent within a period of three months from the date of receipt of certified copy of this order, and in case, the petitioners cannot be made permanent in service then a reasoned order may be passed and copy of the same may be sent to the concerned petitioners by registered post. The interim relief which has been granted by this court shall continue till this exercise is undertaken by the respondent. In case the petitioners are made permanent in the employment then they shall be entitled for all the consequential benefits as has been given to the other petitioners whose names have been struck off from the writ petitions. Rule is made absolute in the aforesaid terms with no order as to costs.

zgs/-